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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/704,329

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David I.J. Glen

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04/21/2006

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EXAMINER

ARANI, TAGHI T

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,329

Applicant(s)

GLEN, DAVID I.J.

Examiner

Taghi T. Arani

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Taghi T. Arani
Primary Examiner
Art 2131
Taghi T. Arani
4/14/06

DETAILED ACTION

1. Claims 1-30 have been examined and are pending.

Response to Amendment

2. This Office action is responsive to Applicant's amendment filed on June 1/4/2006.

Applicant's arguments with respect to claims 1-30 relating to prior art of Schwed have been fully considered and are persuasive. However, a new ground of rejection (s) is presented in this Office action. Therefor, Applicant's arguments are rendered moot.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3, 9-11, 13-14, 15, 16, 21-23, 25-26, 27, 29 recite "encryption key data", "encryption data" and "key encryption data" interchangeably. It is not clear to the examiner whether these terms mean a key used in encryption or the actual encrypted data. In this regard claims recitations are vague and unclear. For purpose of examining, the examiner assumes "encryption key data", "key encryption data" and the "encryption data" to mean key used in encryption. The examiner requests the applicant to make appropriate corrections or amendment in response to this Office action.

Dependent claims 4-8, 12, 17-20, 24, 28 and 30 inherit the deficiencies from the base claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record US patent 5,592,556 to Schwed and further in view of US patent 5,224,166 to Hartman Jr.

As per claims 1, 13, 25, Schwed discloses a digital interface device for facilitating key encryption of a digital signal which is communicated from a computer system to an associated peripheral device (see col. 1, lines 57-67, col. 2, lines 5-25), where the associated peripheral device decrypts the communicated digital signal for use (see col. 2, lines 5-25), the interface device includes a digital output formatting circuitry associated with the output;(see col. 4, lines 51-67) a non-volatile RAM for containing a BIOS for controlling digital output formatting.

Schwed does not disclose but Hartman, Jr. discloses a non-volatile RAM having a specific write-protectable area allocated for storing an encryption key flag at a flag address and encryption key data (Fig. 2 and associated text, element 38); and

said specific write-protectable area being rendered read-only when a predetermined flag value is stored at the flag address whereby encryption key data may be stored in the specific area of the non-volatile RAM in connection with storing the predetermined flag value at the flag address such that stored encryption data cannot be altered by a subsequent write operation to the non-volatile RAM (col. 5, lines 16-43, see also col. 7, lines 32-53).

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Therefore, it would have been obvious to one of ordinary skill in the art to combine the method and the system of Schwed's digital radio with vocoding encryption codec with the teachings of Hartman Jr.'s such that Schwed's system will be able to inhibit unauthorized usage of encrypted media.

As per claims 2, 14, 26, Schwed as modified discloses a first predetermined flag value at the flag address in association with the key encryption data in the specific write-protectable area which first flag value indicates encryption enablement (Hartman Jr., col. 6, lines 32-43).

As per claims 3, 15, 27, Schwed as modified discloses to receive either a first predetermined flag value at the flag address in association with the key encryption data in the specific write-protectable area which first flag value indicates encryption enablement or a second predetermined flag value at the flag address which second flag value indicates encryption disablement in which case the digital interface device is permanently disabled for using the key encryption (Hartman Jr., col. 6, lines 38-43, lines 1-8, see also col. 7, lines 32-53).

As per claim 4, Schwed as modified discloses A digital interface device configured to receive the predetermined value any value other than a specific value which specific value enable writing into the write-protectable area (Hartman Jr., col. 6, lines 55-67).

As per claims 5, 17, Schwed as modified discloses wherein the key flag is a combination of one or more values stored at the one or more flag addresses within the write protectable area (Hartman Jr., col. 6, lines 9-15).

As per claims 6, 18, Schwed discloses wherein the associated peripheral device is a digital display and the digital output is an output port for a digital video signal ((see col. 5, lines 1 -43)).

As per claims 7, 19, Schwed discloses a digital video interface card (see col. 2, lines 43-62).

As per claims 8, 20, Schwed discloses wherein the specific write-protectable area is at least 512K bytes and located at an address range higher than an address range reserved for a BIOS (see col. 14, lines 9-39).

As per claims 9, 21, 28, Schwed discloses providing a digital interface device having a digital output, digital output formatting circuitry associated with the output, and a non-volatile RAM for containing a BIOS for controlling digital output formatting (see col. 7, lines 9-40, col. 8, lines 42-60);

Schwed does not teach but Hartman Jr. allocating a specific addressable area on the non-volatile RAM for storing an encryption key flag and encryption key data (Fig. 2 and associated text, element 38); and

rendering the specific area read-only when a predetermined key flag value is written in the specific addressable area at a key flag address ((col. 5, lines 16-43, see also col. 7, lines 32-53).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the method and the system of Schwed's digital radio with vocoding encryption codec with the teachings of Hartman Jr.'s such that Schwed's system will be able to inhibit unauthorized usage of encrypted media.

As per claims 10, 22, 29, Schwed as modified discloses writing a first predetermined flag value at the key flag address along with key encryption data in the specific area to enable key encryption (Hartman Jr., col. 6, lines 32-43)

As per claims 11, 23, 30, Schwed discloses writing a first predetermined flag value at the key flag address along with key encryption data in the specific area to enable key encryption; or writing a second predetermined flag value at the key flag address to permanently disable key encryption using the specific area (Hartman Jr., col. 6, lines 38-43, lines 1-8, see also col. 7, lines 32-53).

As per claims 12, 24, Schwed discloses storing a specific value in the key flag address at the time the specific addressable area is allocated wherein the predetermined key value is any value other than the specific value (Hartman Jr., col. 6, lines 55-67).

Claim 16 recite the same limitations as claims 1-2. Claim 16 is rejected for same reasons provided in the rejection of claims 1-2.

Conclusion

5. Prior arts made of record, not relied upon:

US 4,388,695 to Heineman

US 4,825,358 to Letwin

US 5,421,006 to Jablon et al.

US 6,378,072 to Collins et al.

US 6,507,904 to Ellison et al.

US 6,385,152 to Fujinami et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taghi T. Arani whose telephone number is (571) 272-3787. The examiner can normally be reached on 8:00-5:30 Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Taghi T. Arani, Ph.D.

Primary Examiner

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4/14/2006